

NEW YEAR, BRIGHT FUTURE

From Jim Rathlesberger, M.P.A., *executive officer*, California Board of Podiatric Medicine. BPM is the Department of Consumer Affairs unit licensing DPMs under the State Medical Practice Act.

December 27th, Sacramento--With this year's Legislative Session a wrap, it's time to look ahead. Please also check BPM's website, just updated to reflect CPMA's victory with the final CMS regulations. The restrictive H&P language is now gone--a relief to patients, doctors, lawmakers and hospital administrators.

SB 1476

Governor Schwarzenegger signed Senator Figueroa's bill SB 1476. It includes the further two-year extension of BPM's next Sunset Review. We prepared a 2006 report just in case this wasn't enacted:

<http://bpm.ca.gov/pubs/sunset2006.doc>

The new timeframe nicely coincides with the AB 932 Agreement. With passage of the Paul Koretz bill in 2004 there was a handshake regarding no further updating of the practice act for five years.

When BPM submits its Sunset report September 1, 2008, the five years will have run. The sunset extension bills in this cycle will be introduced in 2009 to take effect January 1, 2010. That's a perfect date to enact the full practice rights recommended by the national federation of state regulators back in 2000 (see below):

The Model Law

The text of the nationally recommended language is:

<http://www.fpmb.org/modellaw.asp>

The podiatric physician license authorizes the holder to practice podiatric medicine.

"Podiatric medicine" is the practice of medicine and surgery on the lower extremity including the diagnosis and treatment of conditions affecting the human foot, ankle and leg by all appropriate systems and means and adjunctive procedures thereto including the prescribing and administering of drugs and medicines.

A podiatric physician may assist a licensed physician and surgeon holding a medical doctor or osteopathic medical doctor degree in non-podiatric procedures.

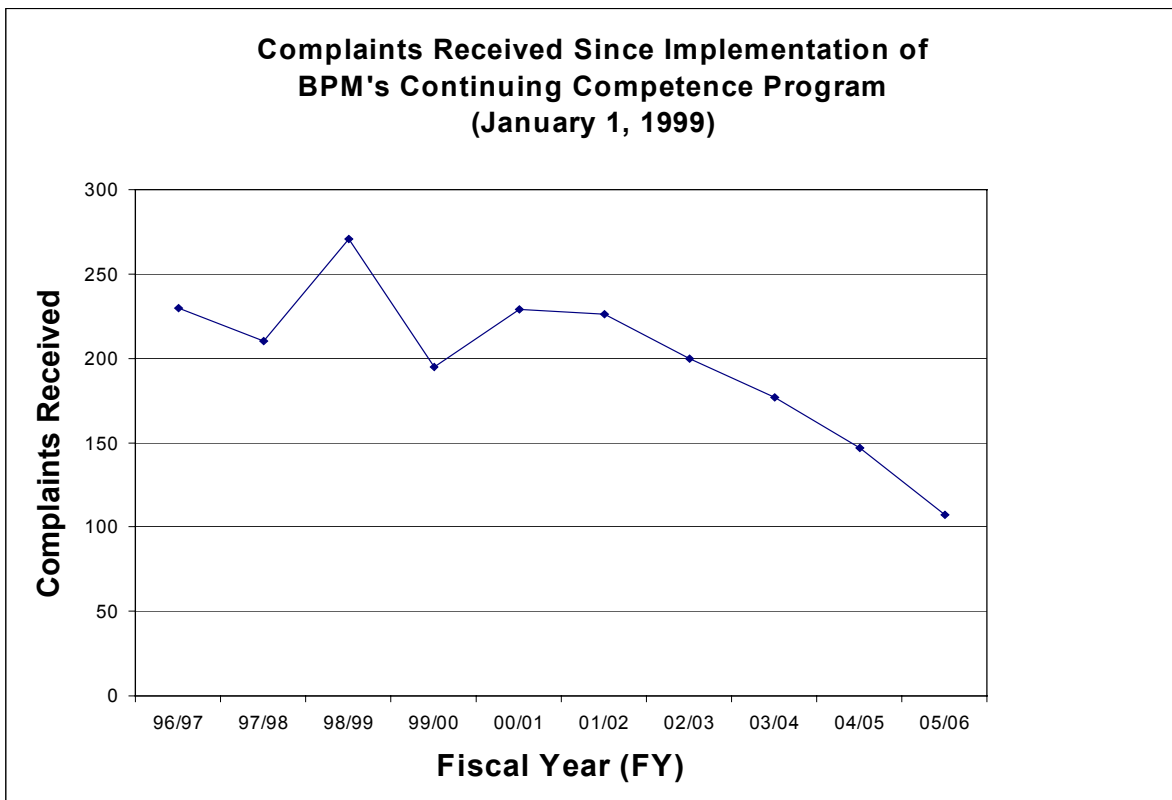
Flashback--April 21, 1992--Senate Business & Professions Chairman Dan Boatwright commented in "an impromptu appearance" before another board:

He reminded the committee members that the only function that the boards have is to serve the consumer. He reiterated the fact that the only function of the committee is to license people to make sure they are competent. When they put that certificate on the wall, the state is vouching that they're competent.

--official Minutes

Golden Opportunity

Sunset Review is a chance to advance meaningful legislation. In 1998, we won passage of what is still the only continuing competence program in the nation for a doctor-licensing board. Recommended for decades, it is still a hot potato given traditions of professional self-regulation. BPM Licensing Director Patty Rodriguez has shown that



requiring ongoing peer review over and above CME credits really isn't that big a deal and may help prevent patient harm. These types of standards place podiatric medicine really in a class by itself.

Sunset, by the way, is a misnomer. If a sunset date is not extended, the program is not eliminated, but *bureautized*. Without board members, the agency becomes an entity under direct Departmental control, with the DCA Director making final disciplinary and other decisions. BPM's online Sunset Report analyzes the pros and cons, but the odds are that so long as there is a Medical Board there also will be a BPM.

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